

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:04-cv-00309-W**

JERRA PETTUS,

Plaintiff,

vs.

**ELMCROFT ASSISTED LIVING,
LLC, ELMCROFT GP, INC., AND
ELMCROFT OF CHARLOTTE
LIMITED PARTNERSHIP,**

Defendants.

ORDER

THIS MATTER is before the Court on Defendants' Motion for Summary Judgment (Doc. No. 17). Pursuant to the oral ruling entered in open court on September 26, 2006, upon agreement of counsel, the Court DISMISSES all of Plaintiff's claims against Elmcroft Assisted Living, LLC, and Elmcroft GP, Inc., as well as Plaintiff's claims for intentional infliction of emotional distress and negligent supervision and retention against Elmcroft of Charlotte Limited Partnership. Pursuant to the same oral ruling, the Court GRANTS Defendants' Motion for Summary Judgment on all remaining claims. The Clerk is directed to close the case.

IT IS SO ORDERED.

Signed: September 28, 2006



Frank D. Whitney
United States District Judge



